



City of Albuquerque

Legislative File Number R-06-103 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Declaring A Moratorium On The Permitting Of Any New Adult Business Use Within The Boundaries Of The Downtown Core Of The 2010 Sector Development Plan Of The City Of Albuquerque.

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WHEREAS, the Mayor will introduce to the City Council an amendment to the 2010 Sector Development Plan to reduce, in the Downtown Core, the adverse secondary effects of adult uses as defined in the Zoning Code as adult amusement establishments, and adult stores; and

WHEREAS, the Zoning Code's adult use distance requirements have historically been applied in a manner that attempts to reduce the adverse secondary effects of prostitution, drug use and other related crimes, that may be associated with adult uses, by separating adult uses from residential neighborhoods, churches, and schools and, separating adult uses from each other; and

WHEREAS, the adverse secondary effects associated with adult amusement establishments and adult stores are the types of problems that may interfere with the redevelopment of the Downtown Core; and

WHEREAS, an amendment to the Zoning provisions of the 2010 Sector Development Plan preventing the future location of adult uses in the Downtown Core would enhance the continued revitalization of the Downtown Core; and

WHEREAS, a Zoning amendment prohibiting future adult uses in the Downtown Core will minimize the adverse secondary effects potentially generated by adult use businesses and at the same time continue to satisfy the first amendment rights of the

adult uses to exist in the City of Albuquerque as mandated by the Constitution and federal courts; and

WHEREAS, until such amendment can be adopted, adult uses would be able to locate within the Downtown Core with insufficient regard to the adverse secondary effects of crime that can be associated with such businesses in the revitalizing Downtown Core; and,

WHEREAS, a moratorium on new adult uses in the Downtown Core is necessary to protect this revitalizing area until the Mayor introduces a Zoning amendment prohibiting future adult businesses in the Downtown Core.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. That on the adoption of this Resolution, and continuing for a period of six months, no new adult amusement establishments or adult stores shall be allowed to locate in the Downtown Core, as defined in the 2010 Sector Development Plan, and no approval of any application for business registration of new adult uses, or application for adult uses in a business with an existing business license in this zone, shall be approved,

Section 2. The Council declares an emergency and this resolution shall become effective upon the date of adoption by the Council.

